

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

HOPE HARPER, Individually and as Personal  
Representative of the Estate of LARRY HARPER,  
Deceased,

Plaintiff,

vs.

Civ. No. 96-1048 BB/WWD

THE CITY OF ALBUQUERQUE, ALBUQUERQUE  
POLICE DEPARTMENT, CHIEF OF POLICE JOE  
POLISAR, Individually in his official capacity and  
ED SAUER, Individually and in his official capacity,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Fourth Motion to Compel Responses to Her Requests for Production on Municipal Liability [docket no. 218]. The motion was served on opposing counsel on June 15, 1998, and it was filed with the Court along with the response and reply on July 14, 1998. The discovery which is sought deals with a request for production made February 6, 1998, which was responded to on March 9, 1998. Plaintiff argues that the motion to compel is timely since Defendants initially indicated that certain production would be made and that Defendants did not indicate that the production would not be made until June 12, 1998. If I were to follow Plaintiff's reasoning, the time for filing a motion to compel could be extended indefinitely. Under all the circumstances here presented, I find that Plaintiff's Fourth

Motion to Compel Responses to Her Requests for Production on Municipal Liability [docket no. 218] is untimely and that it should be denied.

**WHEREFORE,**

**IT IS ORDERED** that Plaintiff's Fourth Motion to Compel Responses to Her Requests for Production on Municipal Liability be, and it hereby is, **DENIED**.

  
UNITED STATES MAGISTRATE JUDGE